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Environment Programme**



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PROGRAMME MATTERS

Mid-term review of the Programme for the Development and Periodic
Review of Environmental Law for the 1990s and further
development of international environmental law
aiming at sustainable development

Report of the Executive Director

Summary

The present report summarizes action taken by the secretariat of the United Nations Environment Programme (UNEP) in implementing Governing Council decisions 17/25 concerning the Programme for the Development and Periodic Review of Environmental Law and 18/9 concerning the further development of international environmental law aiming at sustainable development.

Suggested action by the Governing Council

The Governing Council may wish to adopt a decision along the following lines:

The Governing Council,

Recalling its decision 17/25 of 21 May 1993, by which the Council adopted the Programme for the Development and Periodic Review of Environmental Law for the 1990s and decided to review the implementation of the Programme not later than at its regular session in 1997,

Also recalling its decision 18/9 of 26 May 1995 requesting the

* UNEP/GC.19/1.

Executive Director to develop, in preparing the periodic review of environmental law in accordance with Council decision 17/25, a position paper for international environmental law aiming at sustainable development and, within available resources, to prepare a study on the need for and feasibility of new international environmental instruments aiming at sustainable development,

Further recalling the request, made by the Commission on Sustainable Development at its second session, to the United Nations Environment Programme to study further the concepts, requirements and implications of sustainable development and international law as well as its decision 4/6 by which the Commission welcomed the adoption by the Governing Council of the United Nations Environment Programme of decision 18/9 and noted with appreciation the steps taken by the United Nations Environment Programme towards the review of the Montevideo Programme II as an important contribution to achieving the tasks set out in Agenda 21,

Mindful of the special session of the General Assembly for the purpose of an overall review and appraisal of the implementation of Agenda 21 to be convened from 23 to 27 June 1997,

Taking note with appreciation of the work done by the Meeting of Senior Government Officials Expert in Environmental Law for the Mid-term Review of the Programme for the Development and Periodic Review of Environmental Law for the 1990s,

Having considered the report of the Executive Director of the United Nations Environment Programme on the mid-term review of the Programme for the Development and Periodic Review of Environmental Law for the 1990s and further development of international environmental law aiming at sustainable development, contained in document UNEP/GC.19/32,

1. Commends the United Nations Environment Programme for the action it has taken to implement the Programme for the Development and Periodic Review of Environmental Law for the 1990s (Montevideo Programme II) during 1993-1996 and, in particular, the efficient use it has made of the limited resources available to it;
2. Takes note with appreciation of the position paper on international environmental law aiming at sustainable development;
3. Takes note of the preliminary study on the need for and feasibility of new international environmental instruments aiming at sustainable development and request the Executive Director to continue within available resources work in identifying ways of better implementing existing and future international instruments aiming at sustainable development and the need for and feasibility of new such instruments;
4. Endorses the observations and recommendations made by the Meeting of Senior Government Officials Expert in Environmental Law for the Mid-term Review of the Programme for the Development and Periodic Review of Environmental Law for the 1990s on specific programme areas of Montevideo Programme II, as contained in the annex to the report of the Meeting, and

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requests the Executive Director to use them as guidance in further implementing the Programme;

5. Encourages the Executive Director to implement the Programme, as appropriate, in close cooperation with the relevant international organizations;

6. Reaffirms that the environmental law programme should remain among the major priority areas on which the United Nations Environment Programme should concentrate in its 1998-1999 programme of work, and that adequate resources should be allocated for its implementation, taking into account, however, the overall financial challenges facing the organization;

7. Recommends that the role of the United Nations Environment Programme in the field of international law aiming at sustainable development be reflected in the outcome of the Commission on Sustainable Development at its fifth session, preceding the special session of the United Nations General Assembly to review and assess the implementation of Agenda 21, to be held in 1997.

BACKGROUND

1. The Programme for the Development and Periodic Review of Environmental Law for the 1990s (Montevideo Programme II) was adopted by the Governing Council by its decision 17/25 of 21 May 1993, as the broad strategy for UNEP activities in the field of environmental law for the 1990s. In the process of its preparation, during 1991 and 1992, by meetings of senior government officials expert in environmental law, the Montevideo Programme II was designed to incorporate the relevant activities set out in Agenda 21 as well as the relevant concepts and principles contained in the Rio Declaration. Overall, it was geared to enhance the effectiveness of UNEP in environmental law, with a view to facilitating achievement of the objectives of Agenda 21. It consists of 18 programme areas and an indicative list of additional subjects for possible consideration during the present decade. In the same decision, the Governing Council requested the Executive Director to implement the Programme, within available resources, *inter alia*, through preparing and disseminating analytical reports, organizing intergovernmental meetings and contributing to capacity-building in the field of environmental law. Furthermore, in that same decision, the Governing Council decided to review the implementation of the Programme not later than at its regular session in 1997.

A. Activities undertaken for the implementation of the Montevideo Programme II

2. Since the adoption of the Montevideo Programme II in May 1993, UNEP has further strengthened its efforts to carry out activities for the further development of environmental law as provided in relevant programme areas, in line with relevant decisions of the Governing Council and recommendations of the Commission on Sustainable Development (CSD). Priorities established by Agenda 21 also provided useful guidance in implementing the Programme, for example, in the negotiations for an international legally binding instrument for the application of the prior informed consent (PIC) procedure for certain

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hazardous chemicals in international trade and the adoption of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities. Concurrently, UNEP has initiated work on identifying the general direction for the future development of international environmental law, aiming at sustainable development. In that context, further ways and means of increasing compliance with international environmental agreements, as well as the possible development of liability and compensation for environmental damage arising from military activities, have been explored.

B. Progressive development in international environmental law

3. Within the framework of the Montevideo Programme II, considerable progress has been made in the development of international environmental law. This includes the conclusion, in 1994, of the Lusaka Agreement on Cooperative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora; the further development of regional seas instruments; further progress in the field of chemicals, including in the negotiations for an international legally binding instrument for the application of the PIC procedure for certain hazardous chemicals and pesticides in international trade (which commenced in March 1996), conclusion of the Code of Ethics on the International Trade in Chemicals (April 1994), and the preparatory work for the future development of a global legally binding instrument on persistent organic pollutants (POPs); and the adoption, in December 1995, of the UNEP International Technical Guidelines for Safety in Biotechnology.

4. Under the environmental conventions for which UNEP hosts the respective secretariats and provides administrative services, progress has been made in the preparation and adoption of amendments and adjustments to the conventions and protocols and in the development of new protocols, such as those under the Montreal Protocol on Substances that Deplete the Ozone Layer, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal and the Convention on Biological Diversity. With a view to promoting the implementation of these conventions and exercising the more extensive coordinating function provided for by Agenda 21, in paragraph 38.22(h), and by Governing Council decision 17/25, UNEP has instituted a mechanism of regular meetings on the coordination of convention secretariats.

C. Assistance in legal capacity building

5. At the national level, UNEP has continued to provide legal advisory services in response to requests from many developing countries for assistance in developing and strengthening environmental legislation and institutions, although the available resources have been insufficient to meet all requests for assistance. Increased emphasis has been placed on assisting countries with the drafting of sectoral laws and/or the implementation of regulations, the incorporation of environmental treaty obligations into national law and development of the procedures and expertise needed to ensure implementation of and compliance with environmental legislation.

6. In order to enhance the capacity of developing countries and countries with economies in transition to participate effectively in the development and implementation of international environmental agreements, UNEP has increased its technical assistance in legal capacity-building in such countries. The UNEP/United Nations Development Programme (UNDP) joint

project on environmental law and institutions in Africa has continued to provide a useful model for inter-agency cooperation and nationally driven programming. To assist countries further with the implementation of environmental law, various measures have been held under that project, including funding the participation of government-designated lawyers in the UNEP training-by-attachment programme, holding a sub-regional workshop on the methodology for developing environmental standards and convening a seminar for judges and magistrates on judicial intervention in environmental matters. UNEP has been active in training activities in other regions as well, such as central and southeast Asia. In addition, UNEP, in cooperation with the United Nations Institute for Training and Development (UNITAR) and the United Nations Centre for Human Settlements (UNCHS) (Habitat), plans to organize, in 1997, the third global training programme on environmental law and policy for government lawyers from various regions. In view of the vital importance of the widest possible participation of such countries in the process of developing international environmental law, UNEP has continued to provide financial assistance to their representatives to enable them to participate in relevant intergovernmental negotiating meetings and working groups.

D. Promoting wider appreciation of environmental law

7. With a view to promoting wider appreciation of environmental law, UNEP has continued to disseminate relevant information to Governments and other parties active in environmental law, through, for example, publications such as the Register of International Treaties and Other Agreements in the Field of the Environment, as well as enquiry-response services in respect of legal information. The provision of such services, however, has been rendered difficult by the reduction in available resources. UNEP and the World Conservation Union (IUCN) have taken a number of collaborative steps to develop an integrated database on environmental law information for the benefit, in particular, of developing countries and countries with economies in transition, including two inter-organization meetings in September 1995 and February 1996 to determine the feasibility of such database. Given the expression of donor interest in this joint database project, the organizations concerned have intensified their efforts to establish modalities of cooperative operations, with a view to initial implementation of the system in 1997.

8. Further information on UNEP activities for the implementation of the Montevideo Programme II may be found in an information document entitled "Mid-term report on implementation of the Programme for the Development and Periodic Review of Environmental Law for the 1990s" (UNEP/GC.19/Inf.13).

E. Further development of international environmental law aiming at sustainable development

9. In its decision 18/9 of 26 May 1995, the Governing Council requested the Executive Director to develop, in preparing the periodic review of environmental law in accordance with Council decision 17/25, a position paper for international environmental law aiming at sustainable development, containing, inter alia, compliance/implementation mechanisms, dispute avoidance/settlement procedures and new concepts and principles, with reference to existing international legal instruments as well as guidelines developed by institutions both within and outside the United Nations system.

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In that decision, the Governing Council also requested the Executive Director, within available resources, to prepare a study on the need for and feasibility of new international environmental instruments aiming at sustainable development, addressing, on a priority basis, the principal environmental challenges, including as they relate to the broader issues of sustainable development as set forth in Agenda 21, and, in fulfilling this task, to draw upon relevant work and activities of other United Nations agencies and international organizations. In this regard, in the report of its second session (16-27 May 1994), CSD requested UNEP to study further the concept, requirements and implications of sustainable development and international law.

10. In accordance with decision 18/9 of the Governing Council, UNEP, in cooperation with a non-governmental organization in the field of environmental law and universities, organized a series of expert group workshops and meetings on international environmental law aiming at sustainable development. Three such expert group workshops ^{1/} were held in Washington, D.C., in November 1995, May 1996 and September-October 1996. To contribute to the work of the expert group, UNEP also convened an international expert workshop on compliance with international environmental agreements, in Washington, D.C., in May 1996. The expert group workshops assisted in the development of a position paper on international environmental law aiming at sustainable development. The position paper outlines the current status of international environmental law and addresses the issues of implementation of and compliance with international environmental instruments, dispute avoidance and settlement, and concepts and principles in international environmental law and presents a set of suggestions for priorities for action (see document UNEP/GC.19/Inf.12). At the workshops, the experts also reviewed the provisions of the Montevideo Programme II and, in the light of new developments, provided observations regarding the continued implementation of each of its programme areas. The limited available resources meant that the experts could only undertake a study on the need for and feasibility of new international environmental instruments aiming at sustainable development, bearing in mind the Montevideo Programme II. The study discusses criteria for determining the need for and feasibility of new instruments, the principal environmental challenges and types of instruments that may be appropriate to deal with them and challenges that are being or have recently been addressed in various international forums, with a set of recommended actions (see document UNEP/GC.19/Inf.18). Because of the lack of available funds, the study remains at a preliminary stage of preparation and requires further elaboration.

F. Meeting of Senior Government Officials Expert in Environmental Law for the Mid-term Review of the Programme for the Development and Periodic Review of Environmental Law for the 1990s

11. Pursuant to Governing Council decision 17/25, UNEP convened the Meeting of Senior Government Officials Expert in Environmental Law for the Mid-Term

^{1/} The composition of the expert group was geographically balanced and included internationally recognized experts in the field and senior governmental lawyers, all acting in their personal capacity.

Review of the Programme for the Development and Periodic Review of Environmental Law for the 1990s in Nairobi, from 2 to 6 December 1996. During the Meeting, the experts commended the work by UNEP in the field of environmental law and expressed their support for the Montevideo Programme II. The experts also underlined that, in view of the important role played by UNEP in the development of environmental law, its work in that field should be reflected at the forthcoming special session of the General Assembly to review and appraise the implementation of Agenda 21. Within UNEP, environmental law should continue to be a programme priority. Emphasis was placed on the importance for UNEP to further the development of international environmental law and to provide assistance to developing countries and countries with economies in transition in enhancing national environmental legislation. The experts stressed that the implementation of environmental treaties should be a priority consideration.

12. On the basis of the review and discussions, the Meeting considered how best the programme areas of the Montevideo Programme II should be implemented during the remaining years of the present decade. The observations regarding the Montevideo Programme II and other documents contained in the final report of the Expert Group Workshop on International Law Aiming at Sustainable Development (UNEP/IEL/WS/3/2) were taken into account as appropriate during the review. Following their detailed review of all programme areas of the Montevideo Programme II, the experts considered and prepared observations and recommendations on those programme areas. The Meeting adopted the observations and recommendations for consideration by the Governing Council of UNEP at its nineteenth session, as contained in the annex to the present report. The Meeting also recommended that the Executive Director transmit to the Governing Council at its nineteenth session a number of elements to be considered for inclusion in the operative paragraphs of a decision on environmental law, which are incorporated in the suggested action by the Governing Council above. The report of the Meeting was circulated to Governments in the three working languages of the Meeting, English, French and Spanish, in document UNEP/Env.Law/3/3 and the body of the report, with the observations and recommendations and has been made available to the Governing Council in the annex to document UNEP/GC.19/Inf.14.

Annex

OBSERVATIONS AND RECOMMENDATIONS REGARDING THE PROGRAMME
FOR THE DEVELOPMENT AND PERIODIC REVIEW OF
ENVIRONMENTAL LAW FOR THE 1990s

With a view to its increased effectiveness in environmental law, the United Nations Environment Programme should take into account the following in further implementing the Programme for the Development and Periodic Review of Environmental Law for the 1990s.

Area A. Enhancing the capacity of States to participate effectively in the development and implementation of environmental law

1. Of overriding importance remains the problem of ensuring the fullest and most effective possible participation of developing countries and countries with economies in transition in the processes of development of environmental law (conferences, meetings, etc.). Thus, the necessity to provide adequate funding, although it is not a legal problem, cannot be overemphasized.
2. Progress in this area would have been more comprehensive had the above problem been solved.
3. Special emphasis should be laid on subparagraphs (a), (c), (d) and (f).
4. More attention should be focused on assisting countries in incorporating commitments under environmental treaties into national legislation and in building institutions. Priority should be given to those countries which have shown or can demonstrate the likelihood of effective use of the assistance provided. Such assistance should make use of existing regional or subregional programmes/organizations.
5. Although UNEP's existing training programmes in environmental law are much appreciated, there should be additional training activities for lawyers and other appropriate personnel. Securing additional financial resources for that purpose should be encouraged.

Area B. Implementation of international legal instruments in the field of the environment

6. The significant progress that has taken place in this area should be noted.
7. Of overriding importance remains the need for further improvements in reporting and data-collection systems. Helping developing countries and countries with economies in transition to establish and consolidate their national systems is essential.
8. Of importance is the further development of compliance regimes and procedures to help and encourage States to fulfil their obligations under multilateral environmental agreements by simple, cooperative, non-judicial and transparent means. Such regimes and procedures should be tailored to the

specific requirements of the instruments they serve, recognizing that their potential for improving observance by States of their treaty obligations is considerable.

9. Area B should be implemented in conjunction with Area D.

10. Special emphasis should be laid on subparagraphs (b) and (d).

Area C. Adequacy of existing international instruments

11. Treaty regimes should be encouraged to carry out a regular review of the adequacy of the respective instruments, and where appropriate, provide for such a review under such instruments.

12. More attention should be paid, particularly at the negotiation stage of an international instrument, to the question of the means by which its effective implementation can be achieved.

13. Special emphasis should be laid on subparagraph (c).

Area D. Dispute avoidance and settlement

14. Greater emphasis should be placed on the avoidance and prevention of disputes. Due consideration should be given to innovative approaches and mechanisms for dispute avoidance. Appropriate mechanisms and procedures need to be elaborated, and a relevant study would be appropriate.

15. By improving compliance with international obligations, implementation and compliance procedures can contribute considerably to preventing international disputes.

16. More attention should be paid to the development and application of appropriate procedures at the national and regional levels and to greater transparency and openness of proceedings at the national and international levels.

17. Consideration should be given to the use of appropriate regional arrangements for the prevention and peaceful settlement of disputes.

18. The need for more confidence-building measures cannot be overemphasized.

19. The existence of provisions on liability can contribute to preventing international disputes regarding environmental matters.

20. There is a need for greater assistance to developing countries and countries with economies in transition on all the matters covered by the area.

21. Special emphasis should be laid on subparagraphs (a) (i) and (iii).

Area E. Legal and administrative mechanisms for the prevention and redress of pollution and other environmental damage

22. Attention should be drawn to the desirability of promoting the access of individuals and NGOs to administrative and judicial procedures related to environmental matters.
23. In view of the evident discrepancy in the level of development of appropriate national legislation between developed and developing countries, assistance aimed at narrowing the gap is needed.
24. More attention should be given, as appropriate, to assisting States in incorporating environmental rights and responsibilities into their national legal regimes.
25. Study is recommended regarding the potential use, in appropriate cases, of criminal and administrative legislation and mechanisms as a means of promoting prevention and of redressing pollution and other environmental damage.
26. Study is recommended regarding consumption and production patterns as well as of legal and administrative mechanisms that might be utilized in addressing problems relating to those patterns. Such study could take into consideration economic mechanisms.
27. Attention should be drawn to the need for cooperation and coordination particularly at the local level, including by neighbouring communities on different sides of an international boundary, in order to prevent pollution and deal with its consequences.
28. The area should be implemented in conjunction with subparagraph (d) in Area B.
29. Special emphasis should be given to subparagraph (d).

Area F. Environmental impact assessment

30. The significant progress that has been made in recent years, particularly with respect to the activities of UNEP and the imminent entry into force of the 1991 Convention on Environmental Impact Assessment in a Transboundary Context, elaborated within the framework of the United Nations Economic Commission for Europe, should be noted.
31. Elaboration, at the international level, of appropriate measures with regard to standards and requirements of EIA (environmental impact assessment) that could be used as a model at the national level on matters such as scope, methodologies, thresholds, and criteria is recommended. The need for capacity-building at the national level is particularly important.
32. The attention of multilateral cooperation agencies should be drawn to the need to assess the environmental impacts of their assistance programmes and projects within recipient countries.
33. Special emphasis should be laid on subparagraphs (b), (c), (d), (e) and (f).

Area G. Environmental awareness, education, information and public participation

34. This is one of the more important areas in the whole of the Programme. Its relevance and application to activities at all levels should be reemphasized. Appropriate knowledge and information should reach the population at large and specific sectors such as the industrial community. This would, in turn, result in enhanced public participation in environmental matters.

35. The role of relevant international agencies and institutions, such as UNEP, the United Nations Development Programme (UNDP), the United Nations Institute for Training and Research (UNITAR), the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the World Conservation Union (IUCN) should be noted and encouraged.

36. The importance of the Guidelines on Access to Environmental Information and Public Participation, developed under the auspices of the United Nations Economic Commission for Europe, should be noted. The continuing work of the United Nations Economic Commission for Europe on a convention in the same areas should be noted.

37. A promising new development is the growth in opportunities for access by individuals and non-governmental entities to judicial and administrative procedures and to other mechanisms on environmental matters.

38. Public involvement in setting environmental priorities and carrying out environmental obligations can be particularly important in enabling international environmental agreements to be effectively implemented.

39. Special emphasis should be laid on subparagraphs (a), (c) and (d).

Area H. Concepts or principles significant for the future of international environmental law

40. The progressive development of international environmental law should be promoted.

41. Of interest are the environmental rights and obligations of States. Of interest also is the situation as it relates to individuals. Studies on the matter that have been, and are being, addressed outside the Montevideo Programme and UNEP should be taken into account.

42. Special emphasis should be laid on subparagraph (d).

Area I. Protection of the stratospheric ozone layer

43. In promoting the widest possible acceptance and effective implementation of the regime involving the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer, account should be taken of the London, Copenhagen and Vienna amendments and adjustments.

44. Encourage the provision of assistance, mobilizing the support of institutions, mechanisms, and organizations established by the regime, including the Implementation Committee, to States that are parties to those

instruments in the form of transfer of environmentally sound technology and technical know-how, capacity-building, drafting legislation and administrative measures, and financial assistance through the Multilateral Fund and other sources, as appropriate.

45. Address the issue of illegal trafficking in ozone-depleting substances under the Montreal Protocol.

Area J. Transboundary air pollution control

46. Promote the acceptance and full implementation of existing treaty regimes.

47. Promote through the United Nations regional commissions or other regional organizations, the development of regional and national action plans for combating transboundary air pollution. The conclusion of regional conventions should be encouraged following the example of the 1979 Convention on Long-Range Transboundary Air Pollution and existing bilateral conventions.

48. Attention should be drawn to the need for national legislation to prevent, control and reduce emissions causing transboundary air pollution and their effects.

49. Encourage cooperation between and among regional, national and local authorities, as appropriate.

50. Support the negotiation of a global agreement and, as appropriate, regional agreements or arrangements to prevent or minimize emissions of certain persistent organic pollutants, taking special note of the work in this regard in negotiating a protocol to the 1979 Convention on Long-range Transboundary Air Pollution.

Area K. Conservation, management and sustainable development of soils and forests

51. Encourage wide acceptance and implementation of the United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa, as well as the Convention on Biological Diversity and the United Nations Framework Convention on Climate Change.

52. The coordinated implementation of the Non-Legally Binding Authoritative Statement of Principles for a Global Consensus on the Management, Conservation and Sustainable Development of All Types of Forests and the various international conventions relevant to conservation, management and sustainable development of soils and forests should be encouraged with a view to a more integrated approach to relevant problems.

53. Promote the implementation of international rules by States through the development of national legislation as appropriate and, as necessary, facilitating assistance through, inter alia, capacity-building, transfer of environmentally sound technology and technical know-how, internalization of costs, cooperation, information and education.

54. Promote the integration of regional and national policies, in particular by the preparation of action plans as well as education and training plans for the implementation of such policies, with the aim of promoting cooperation between and among local bodies and non-State actors.

55. Continue efforts to better define the notion of sustainable forest management and to establish national institutions for forest management.

56. Encourage the conclusion of global and regional agreements on forest management, conservation and sustainable development.

Area L. Transport, handling and disposal of hazardous wastes

57. Encourage wide acceptance and implementation of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal.

58. Encourage emerging regional initiatives and the implementation of regional agreements concerning the transport, handling and disposal of hazardous wastes consistent with relevant international agreements and in accordance with Article 11 of the Basel Convention for countries that are Parties to that Convention.

59. Assist States in implementing international rules concerning the control of transboundary movements, in particular in combating illegal movements of hazardous waste, supporting regional efforts in this field, and, if necessary, assist States in developing national capacities.

Area M. International trade in potentially harmful chemicals

60. The development of guidelines for national legislation based on the London Guidelines for the Exchange of Information on Chemicals in International Trade should be encouraged pending the conclusion of ongoing negotiations in this field.

61. Continue, in coordination with the Food and Agriculture Organization of the United Nations, to support negotiations for an international legally binding instrument for the application of the prior informed consent (PIC) procedure for certain hazardous chemicals in international trade.

62. Note the importance of new institutional structures for sound management of chemicals, including the Intergovernmental Forum on Chemical Safety (IFCS).

63. Note the importance of regional efforts to reduce risks from certain chemicals and heavy metals, including efforts to eliminate the use of lead in gasoline.

64. The Guidelines on Access to Environmental Information and Public Participation, developed under the auspices of the United Nations Economic Commission for Europe, should be taken into account in developing community right-to-know or other public information dissemination programmes.

Area N. Environmental protection and integrated management, development and use of inland water resources

65. Noting that intergovernmental negotiations are taking place with a view to the early conclusion of a framework convention on the law of the non-navigational uses of international watercourses, consideration should be given to the further development of regional and subregional agreements, as appropriate.

66. Note the existence of measures concerning wetlands, especially under the 1971 Ramsar Convention on Wetlands of International Importance Especially as Waterfowl Habitat, and support the development of action plans for their implementation.

AREA O. Marine pollution from land-based sources

67. Support the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities and the Washington Declaration on Protection of the Marine Environment from Land-based Activities.

68. Protocols should be developed in the framework of the Regional Seas Programme where such protocols or similar agreements do not exist, for the prevention, reduction and control of marine pollution from land-based sources.

Area P. Management of coastal areas

69. Integrated coastal zone management, in the context of promoting sustainable development, is an important objective which should be achieved through appropriate national legislation, plans and programmes.

70. Note the existence of measures and action plans concerning regional seas and coastal wetlands, such as the 1971 Ramsar Convention on Wetlands of International Importance Especially as Waterfowl Habitat, and support the adoption of such plans, where none exists, in order to ensure integrated management of coastal areas.

Area Q. Protection of the marine environment and the law of the sea

71. Taking note of the conclusion of the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and the 1993 Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas and the FAO Code of Conduct on Responsible Fisheries, which complement the United Nations Convention on the Law of the Sea, encourage their wide acceptance, as appropriate.

72. Encourage wide acceptance and implementation of the 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972.

73. Note that regional agreements, including those concluded under the auspices of the Regional Seas Programmes, encourage new and integrated approaches to the protection of the marine environment and the prevention of its pollution by applying, in some cases, inter alia, various concepts such as precaution and internalization of costs, and further support the implementation of those Programmes.

Area R. International cooperation in environmental emergencies

74. The legal basis for international cooperation in environmental emergencies has made progress in recent years. There is still need for developing further measures such as regional and subregional action plans.

75. The joint UNEP/Department of Humanitarian Affairs (DHA) unit for environmental emergencies is welcomed.

76. Special emphasis should be laid on subparagraphs (a), (b) and (d) with particular emphasis on (b).

77. Subparagraph (c) was duly fulfilled.

Area S. Additional subjects for possible consideration during the present decade

78. Of the topics listed in Area S, it is important that subparagraphs (a), (b), (c), (e) and (f) receive further attention. Subparagraphs (a) and (g) are wide-ranging in nature and are of permanent importance.

79. Subparagraph (d), in view of its sensitivity at the present time and its complexity, requires special attention. UNEP, as the principal body within the United Nations system in the field of environment, has a key role to play in the discussions on the legal aspects of environment and trade. UNEP needs to be more active within the World Trade Organization Committee on Trade and Environment.
